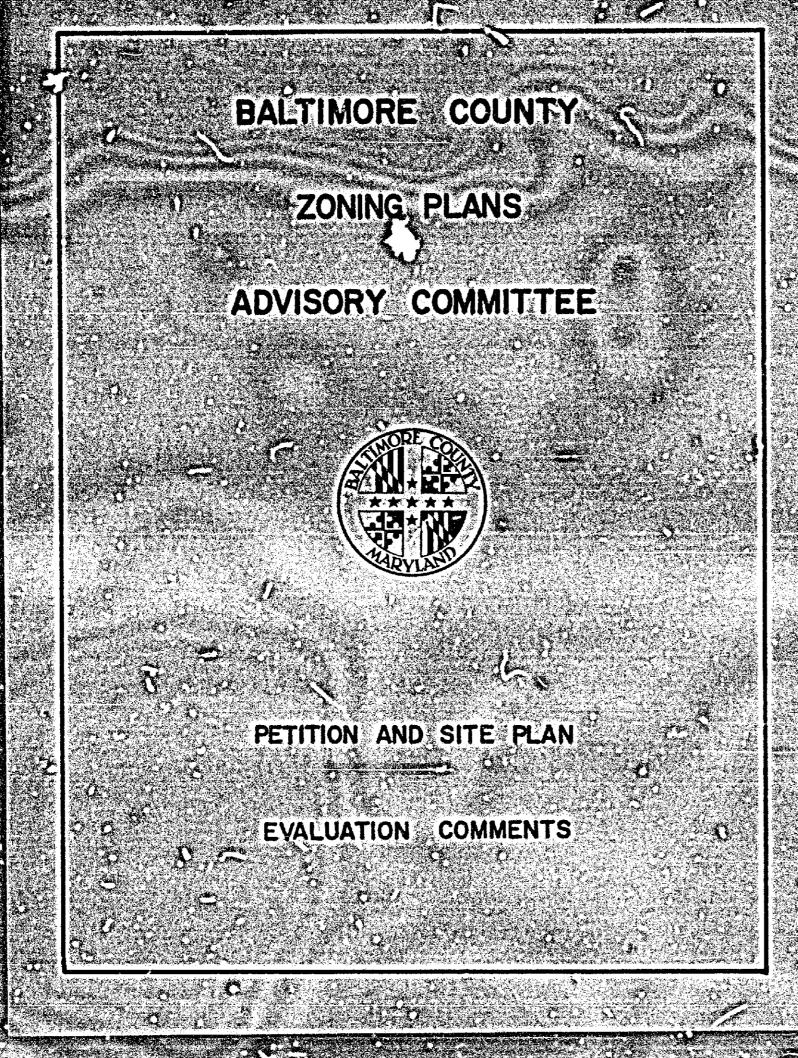


Your petition has been received and accepted for filing this hith day of <a href="Cetober">100.001</a>, 1984.

tioner Allen 8. Aloyd, Jr., et us Received by Vicholas B. Commodari Litioner S. Chairman, Zowing Plans Chairman, Zowing Plans Advisory Committee



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-25 PAUL H. REINCKE CHIFF October 26, 1984 Mr. Arnold Jablon Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204 Attention: Nick Commodari, Chairman Zoning Plans Advisory Committee RE: Property Owner: Allen S. Lloyd, Jr. et ux Location: SW/Cor. Oak Forest Place and Oak Forest Avenue Zoning Agenda: Meeting of 10/16/84 Item No.: 96 Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property. ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals or \_\_\_\_\_ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works. ( ) 2. A second means of vehicle access is required for the site. ( ) 3. The vehicle dead end condition shown at \_\_\_\_ EXCEEDS the maximum allowed by the Fire Department. ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.  $(\chi)$  5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy. ( ) 6. Site plans are approved, as drawn. ( ) 7. The Fire Prevention Bureau has no comments, at this time. Moted and Heorge'Ill'in Legand

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE October 31, 1984 COUNTY OFFICE BLDG. 111 W. Chesaneake Ave. Towson, Maryland 21204 Gary C. Duvall, Esquire 401 Washington Avenue owson, Maryland 21204 RE: Case No. 85-124-A (Item No. 96)
Petitioner - Allen S. Lloyd, Jr., et ux Variance Petition Dear Mr. Duvall: The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning. Department of Bureau of Health Department Building Department Board of Education Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly. Very truly yours. Michelas & Commoday, 40 NICHOLAS B. COMMODARI Chairman Zoning Plans Advisory Committee Enclosures

> RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER SW Corner of Oak Forest Pl. OF BALTIMORE COUNTY and Oak Forest Ave. (216 Oak Forest Ave.), 1st Dist. ALLEN S. LLOYD, JR., et ux,

::::::

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-entitled matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

> Phyllio Cola Fredman Phyllis Cole Friedman People's Counsel for Baltimore County

leter May Zummen Peter Max Zimmerman Deputy People's Counsel Rm. 223, Court House Towson, MD 21204 494-2188

I HEREBY CERTIFY that on this 17th day of October, 1984, a copy of the foregoing Entry of Appearance was mailed to Gary C. Duvall, Esquire, 401 Washington Ave., Towson, MD 21204, Attorney for Petitioners.

BALTIMORE COUNTY
DEPARTMENT OF TRAFFIC ENGINEERING
TOWSON, MARYLAND 21204
494-3550

STEPHEN E. COLLINS DIRECTOR October 16, 198

Mr. Arnold Jablon Zoning Commissioner County Office Building

> Property Owner Location: Existing Zoning:

District:

The Department of Traffic Engineering item numbers 95, 96, 98, and 99.

Traffic Engineering Assoc. II

MILES & STOCKBRIDGE io light sterry Litimory, martland sesoe 401 WASHINGTON AVENUE TOWSON, MARYLAND 21204

84 MORTE WEST STREET TELEPHONE 301-881-6566

CABLE MILBRIDGE TELEX 87-64

October 4, 1984

848 EUNGERFOED COURT

Mr. Nicholas Commodari Zoning Office County Office Building Towson, Maryland 21204

> RE: 216 Oak Forest Avenue Zoning Variance

Dear Mr. Commodari:

The above-captioned property was purchased by the Petitioners in June of 1972. At that time, the property was zoned DR-3.5, which calls for a thirty foot side yard setback. The improvements located on the property were situated approximately 22-1/2 feet from the side yard adjacent to Oak Forest

In 1980, the property was downzoned to DR-2 which calls for a forty foot side yard setback. The Petitioners had always intended to enclose the porch adjacent to Oak Forest Place and to expand it approximately three feet.

Although they have been in constant communication with the appropriate officials of Baltimore County regarding the proposed addition, it was only when the builder applied for the permit that the setback problem was discovered. At that time, the Petitioners had already expended \$9,900.00 in preparation of plans, specifications and deposits on furnitures and fixtures to be located in the new improvements. Additionally, they unconditionally obligated themselves for the sum of \$18,100.00 for the construction. They now face the possibility of further delay of at least sixty days for a hearing to be scheduled on their variance petition. I would greatly appreciate it if this matter could be given priority for a hearing before the Zoning Commissioner, in light of the fact that they are obligated for some \$28,000.00 in improvements.

Any consideration you can give this request will be appreciated.

Very truly yours

GCD:1d

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should /should not be granted.

CERTIFICATE OF POSTING

Petitioner: Allers S. Lloyd, Tr., et ax
Location of property: SW/cor. Pak Forest Place & Oak Forest Ave.

216 Oak Forest Are, 21228

Sign Facing corver, N

ZONING DEPARTMENT OF BALTIMORE COUNTY 85-124-14

H:IIP.M

Date of Posting 10/20/84

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this -\_\_\_\_, 19\_\_\_\_, that the herein Petition for Variance(s) to permit

NORMAN E. GERBER DIRECTOR Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204 Re: Zoning Advisory Meeting of 10/16/84
Item # 96
Property Owner: Allen S. Lloyd, Tr. et unf
Location: SWCon. Oak Fordet Place + Oak Forest Aue. The Division of Current Planning and Dr opment has reviewed the subject petition and offers the following comments. The it is sheeked below are ( >) There are no site planning factors requiring comment.
 ( )A County Review Group Meeting is required.
 ( )A County Review Group meeting was held and the minutes will be forward by the Bureau of Public Services.
 ( )This site is part of a larger tract; therfore it is defined as a subdivision. The plan must show the entire tract. )A record plat will be required and must be recorded prior to issuance of a building permit.
)The access is not satisfactory. The circulation on this site is not satisfactory. The parking arrangement is not satisfactory.

Parking calculations must be shown on the plan.

This property contains soils which are defined as wetlands, and development on these soils is prohibited.
)Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-98 of the Development Regulations. Development of this site may constitute a potential conflict with the Baltimore County Master Plan.

The amended Development Plan was approved by the Planning Board )Landscaping should be provided on this site and shown on the plan. )The property is located in a deficient service area as defined by Bill 178-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 178-79, and as conditions change traffic capacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council. )Additional comments: Eugene a Bolis
Eugene A. Bober

BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WOR
TOWSON, MARYLAND 21204 BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS HARRY J. PISTEL, P. E. DIRECTOR November 16, 1984 Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204 Re: Item #96 (1984-1985) Property Owner: Allen S. Lloyd, Jr., et ux S/W cor. Oak Forest Place & Oak Forest Ave. Acres: 95 x 157 District: 1st Dear Mr. Jablon: The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject General Comments: As no public facilities are involved, this office has no comment. The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner. Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

JAM: EAM: REC:ss

Occober 5, 1984 Gary C. Duvall, Esquire 401 Washington Avenue Towson, Maryland 21204 NOTICE OF HEARING RE: Petition for Variance SW/cor. Oak Forest Place and Oak Forest Ave. (216 Oak Forest Ave.)
Allen S. Lloyd, Jr., et ux - Petitioners
Case No. 85-124-A TIME: 10:00 A.M. DATE: Thursday, November 8, 1984 PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland No. 134306 BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT C Gaseeneeassona sotaf

10750 Little Patuxent Pkwy Columbia, MD 21044 October 18 19 84 PETITION FOR VAPILANCE

Tell Election District

LOCATION: Bouthwest common of Oak Forest Place and Oak Forest Avenue (216 Oak Forest Avenue)

DATE AND TIME: Thursday, November 8, 1984 at 10:09 AM.

PUBLIC HEAFING: Room 106, County Office Building, 111 West Cheespeales Avenue, Terreon, Merryland.

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hast a public Reening:

Pullion for Variance to permit 4 pide street setback of 19 fact in few of the required 40 feet.

Being the property of Alon 8, Libyst, Jr., of lax an alrown on the set fleet with the Zoning Office.

In the avent that this Politics is granted, a building powell may be seved within the Shrip (30) day appeal period. It Zoning Convenienters will, thousaver, entertain any request for a stay of the insource of mid permit during this period for grand cause shown. Such services THIS IS TO CERTIFY, that the annexed advertisement of PETITION FOR VARIANCE was inserted in the following: ☐Arbutus Times weekly newspapers published in Baltimore County, Maryland once a week for \_\_\_\_\_one \_\_\_successive weeks before the \_\_\_\_20 \_\_day of \_\_October \_\_\_\_19\_84 , that is to say, the same was inserted in the issues of Fosted for: Laxianca to permit a side street set back of 19' in lieu et 40' October 18, 1984 Location of Signe: Approx 10' From Coxan of Dak Forest Urs. & Oak Forest Place.

Publishing Corp.

CERTIFICATE OF PUBLICATION LOCATION: Southwest corner of Oak Forest Place and Oak Forest Avenue (216 Oak Forest Avenue)
DATH AND TIME: Thursday, November 2, 1984 at 10:00 a.m.
108, County Office Building, 111 W. Chempane Avenue, Toward, Maryland THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, appearing on \_\_\_\_October\_18\_, 19\_8k THE JEFFERSONIAN. request for a stay of the issu-ance of said permit during this period for good cause shows Such request must be received in writing by the date of the hearing set above or made at the hearing. BY Order Of ARNOLD JABLON, Soning Commissioner of Baltimore County Oct. 18. Cost of Advertising

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3353 ARNOLD JABLON ZONING COMMISSIONER October 29, 1984 Gary C. Duvall, Esquire 401 Washington Avenue Towson, Maryland 21204 RE: Petition for Variance SW/cor. Oak Forest Place and Oak Forest Ave. (216 Oak Forest Avenue) Case No. 85-124-A Allen S. Lloyd, Jr., et ux - Petitioners Dear Mr. Duvall: This is to advise you that \$40.00 is due for advertising and posting of the above property. This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing. Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing. BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT FOR: Advertising & Posting Costs for Case 685-124-4 (Allen S. Lloyd, Jr., et uz - Petitioners) 8 6930000040601a F024F

PETITION FOR VARIANCE 1st Election District

LOCATION:

Southwest corner of Oak Forest Place and Oak Forest Avenue (216 Oak Forest Avenue)

Thursday, November 8, 1984 at 10:00 A.M. DATE AND TIME: PUBLIC HEARING: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit a side street setback of 19 feet in lieu of the required 40 feet.

Being the property of Allen S. Lloyd, Jr., et ux the plat filed with the Zoning Office.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

> BY ORDER OF ARNOLD JABLON ZONING COMMISSIONER OF BALTIMORE COUNTY

Located on the southwest corner of Oak Forest Place and Oak Forest Avenue and known as lots numbers 55 through 60 as shown on Plat of Oak Forest Park which is recorded in land records of Baltimore County in Plat Book W.P.C. No. 5, folio 90 and 91. Also known as #216 Oak Forest Avenue.

A refusal to permit Petitioners to construct the proposed addition to their improvements, which addition would require an extension of the existing improvements by 3-1/2 feet, would cause the Petitioners substantial hardship and practical difficulties in that their existing residence is too small to accommodate the present family and they would lose the benefit of over \$9,000.00 in expenses incurred to date and suffer the potential loss of an additional \$18,100 for which they have unconditionally obligated

INTER-OFFICE CORRESPONDENCE

Norman E. Gerber, Director FROM Office of Planning and Zoning

There are no comprehensive planning factors requiring comment

BALTIMORE COUNTY, MARYLAND

Date November 2, 1984 TO Zoning Commissioner

Allan S. Lloyd, Jr., et ux SUBJECT\_No. 85-124-A

on this petition.

NEG/JGH/sf

EXHIBIT A

IN RE: PETITION ZONING VARIANCE SW/corner of Oak Forest Place and Oak Forest Avenue (216 Oak Forest Avenue) - 1st Election District

ZONING COMMISSIONER OF BALTIMORE COUNTY

BEFORE THE

Allen S. Lloyd, Jr., et ux, Case No. 85-124-A

Petitioners \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

\* \* \* \* \* \* \* \* \* \* \*

The Petitioners herein request a variance to permit a side yard setback of 19 feet instead of the required 40 feet in order to construct an addition to their home, as more particularly described on Petitioners' Exhibit 1.

The Petitioners appeared and were represented by Counsel. There were no Protestants.

Testimony indicated that the subject property, presently zoned D.R.2, was improved with a two-story dwelling in 1940, prior to the adoption of any zoning regulations in Baltimore County. The Petitioners purchased the home in 1978, at which time the property was zoned D.R.3.5. The home has an attached garage with a deck on top which extends  $12\frac{1}{2}$  feet from the home. The home faces Oak Forest /Avenue and the garage faces Oak Forest Road. Baltimore County has a 40 foot right of way for Oak Forest Road but the street itself is 19 feet wide. The Patitioners have decided to totally renovate their home and add a 16' x 372' two-story addition for a total cost exceeding \$100,000. They propose to cona 12' x 44½' deck to the rear and an addition to be attached to the deck and side of the home. It will contain a living room, bedroom, and bath. The wrateround addition will expand the existing deck and garage by extending 31 feet doser to Oak Forest Road. Included in the cost of the construction and renovation is new siding for the entire home which will blend easily into the thetics of the neighborhood.

September 24, 1984

To Whom It May Concern:

After discussion of the project with the Lloyds, I have no objection to their extending their house four (4) or five (5) feet to the north towards Cak Forest Place.

Sara S. Phillips

213 Oak Forest Place

215 Oak Forest Avenue

217 Oak Forest Avenue Carolyn Trapp

1602 Ridge Road (plat Central Avenue)

Indeed, the house and garage have existed for 44 years, and the proposed addition will extend only  $3\frac{1}{2}$  feet more. In reality, the setback will be  $29\frac{1}{2}$ feet from the edge of the roadway to the new addition, although technically it would be set back 19 feet from the edge of the property line.

The Petitioners have presented documentation that their immediate neighbors do not object to the proposal. See Petitioners' Exhibit 2.

Due to the changes within the home, there is no other way to expand but as

Although the property was improved prior to the adoption of the Baltimore County Zoning Regulations (BCZR) and the existing setbacks are in effect nonconforming, the proposed addition would require the Petitioners to satisfy current setback requirements. A residence constructed on a corner lot where the house faces in a direction other than towards the side street must have the same side yard setback as the front yard setback required for that zone. In the Matter of Char-del, Inc., Case No. 84-357-A. Here, the setback is 40 feet.

The Petitioners seek relief from Section 1802.3.C.1, pursuant to Section

C: O;-

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area

> whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

cc: Gary C. Duvall, Esquire Richard Reinhardt, Esquire

original condition.

People's Counsel

It is clear from the testimony that if the variance were granted, such use

After due consideration of the testimony and evidence presented, it is

as proposed would not be contrary to the spirit of the BCZR and would not result

clear that a practical difficulty or unreasonable hardship would result if the

instant variance were not granted. It has been established that the require-

ment the Petitioners seek relief from here would unduly restrict the use of the

land due to the special conditions unique to this particular parcel. In addi-

tion, the variance requested will not be detrimental to the public health, safe-

on this Petition held, and for the reasons given above, the variance requested

permit a side yard setback of 19 feet instead of the required 40 feet be and is

hereby GRANTED, from and after the date of this Order, subject to the following:

The Petitioners may apply for their building permit and

be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at

applicable appellate process from this Order has ex-

pired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its

Pursuant to the advertisement, posting of the property, and public hearing

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County,

day of November, 1984, that the Petition for Zoning Variance to

in substantial detriment to the public good.

ty, and general welfare.

should be granted.

## **PHOTOGRAPHS**

NAME: Allan Lloyd

ADDRESS: 216 Oak Forest Avenue

DATE: August 29, 1984

Catonsville, Maryland 21228



FRONT VIEW





REAR VIEW



STREET VIEW

